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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/343,517

06/30/1999

ROBERT BURNETT

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07/21/2004

ALCATEL USA  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER

FERRIS, DERRICK W

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 07/21/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/343,517

Applicant(s)

BURNETT, ROBERT

Examiner

Derrick W. Ferris

Art Unit

2663

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.


Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Continuation of 2. NOTE: Again the issue appears to be what is meant by "IP over CLNP" as disclosed by applicant, e.g., in applicant's specification at page 3, line 5. Also in reference to applicant's figures 5-6. The issue of what is meant by "IP over CLNP" is not clear from applicant's specification since both IP and CLNP are layer 3 networking protocols. In other words, fact: CLNP is OSI layer 3 and fact: IP is also OSI layer 3. Applicant further admits the notation that CLNP is OSI layer 3, see applicant's specification at page 5, line 3. Although applicant does not admit that IP is OSI layer 3, examiner notes that it is well known in the art that OSI is at layer 3. Thus it is impossible for one of the protocols to run on top of the other since they are both at the same layer. Instead IP may be mapped into CLNP at layer 3. How the protocols are mapped is not disclosed by applicant and may also be unclear from the references supplied in the rejection other than CLNP replaces IP. Thus examiner notes a reasonable but broad interpretation of "over" to be equivalent to "replace" since both CLNP and IP are at layer 3. It is important to note that how CLNP replaces IP is not recited in the claims (i.e., how the fields are mapped or "replaced" is not further recited in the claims). As this appears to still be an issue, the examiner notes additional support taken from RFC 1561 (CLNP in TUBA environments) in Section 3.0 of the RFC:

"ISO CLNP is a datagram network protocol. It provides fundamentally the same underlying service to a transport layer as IP. CLNP provides essentially the same maximum datagram size, and for those circumstances where datagrams may need to traverse a network whose maximum packet size is smaller than the size of the datagram, CLNP provides mechanisms for fragmentation (data unit identification, fragment/total length and offset). Like IP, a checksum computed on the CLNP header provides a verification that the information used in processing the CLNP datagram has been transmitted correctly, and a lifetime control mechanism ("Time to Live") imposes a limit on the amount of time a datagram is allowed to remain in the internet system. As is the case in IP, a set of options provides control functions needed or useful in some situations but unnecessary for the most common communications. Note that the encoding of options differs between the two protocols, as do the means of higher level protocol identification. Note also that CLNP and IP differ in the way header and fragment lengths are represented, and that the granularity of lifetime control (time-to-live) is finer in CLNP. Some of these differences are not considered "issues", as CLNP provides flexibility in the way that certain options may be specified and encoded (this will facilitate the use and encoding of certain IP options without change in syntax); others, e.g., higher level protocol identification and timestamp, must be accommodated in a transparent manner in this profile for correct operation of TCP and UDP, and continued interoperability with OSI implementations."

Hence RFC 1561 also discloses that CLNP and IP are at a networking layer and are mapped to one another (i.e., they are overlaid using applicant's terminology). With respect to claims 1 and 24, Mazzola teaches running CLNP over a DCC channel, see figure 4a. Katz teaches replacing, overlaying, translating IP into CLNP such that the references in combination teach transporting IP to CLNP and CLNP over a DCC channel. Claim 27 requires further search/consideration with respect to the relationship of a network port and a routing table as recited in the claim..

  
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